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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,062	03/19/2004	Mari Kodama	119149	8242
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EXAMINER				
PARK, CHAN S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/804,062

**Applicant(s)**

KODAMA ET AL.

**Examiner**

CHAN S. PARK

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 7/21/08, and has been entered and made of record. Currently, **claims 9-21** are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 9-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 1** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites a limitation of "an accounting unit that charges for the executed incompatibility detection processing". However, upon careful review of the Specification, the account unit appears to charge for the image processing executed on the detected incompatibility part, not for the executed incompatibility detection processing (emphasis added). Is the fee applied for simply detecting the

incompatibilities or the image processing performed on the detected incompatibilities?

Clarification/explanation from the Specification is respectfully requested.

**With respect to claims 8 and 15**, arguments analogous to those presented for claim 1, are applicable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishide et al. U.S. Patent Application Pub. No. 2003/0007173 (hereinafter Nishide) in view of Kimura U.S. Patent Application Pub. No. 2003/0160997.

**With respect to claim 1**, Nishide discloses an image processing apparatus (print server 12 in paragraph 79) comprising:

an image processing unit that performs a first image processing on image data including one or more image constituent parts (performing image processing on the print job having RGB images according to paragraphs 85 & fig. 5); and

an incompatible part detection unit that executes an incompatibility detection processing to detect an incompatible part of the image data, the incompatible part being incompatible with the first image processing (detecting the image in RGB format in fig. 5 & note that the RGB image is in compatible with the printer according to paragraph 61).

Nishide, however, does not explicitly disclose an accounting unit that charges for the executed incompatibility detection processing. (For examining purpose, the limitation is construed as charging for the image processing executed for the incompatibility parts.)

Kimura discloses a printing system comprising an accounting unit that charges for the image processing executed on the image data for printing (paragraph 46).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Nishide to incorporate the accounting unit as taught by Kimura.

The suggestion/motivation for doing so would have been to accurately calculate the charges based on the print job processed.

Therefore, it would have been obvious to combine Nishide with Kimura to obtain the invention as specified in claim 1.

**With respect to claim 2,** Nishide discloses the image processing apparatus according to claim 1,

wherein the first image processing is a print job for printing the image data (performing image processing on the print job having RGB images according to paragraph 85 & fig. 5); and

the incompatible part detection unit detects, as the incompatible part, an image constituent part on which the print job cannot be performed normally, from the image constituent parts of the image data (detecting the image in RGB format in fig. 5 & note that the RGB image is incompatible with the printer according to paragraph 61).

**With respect to claim 3**, Nishide discloses the image processing apparatus according to claim 2,

wherein the incompatible part includes at least:

a first image constituent part having a color format other than a color format that can be reproduced by the print job (image having the RGB format in fig. 5 & note that the RGB image is incompatible with the printer according to paragraph 61).

**With respect to claim 4**, Nishide discloses the image processing apparatus according to claim 1, further comprising:

a detection result storing unit that stores at least a result of the incompatibility detection processing, wherein

the incompatible part detection unit performs the incompatibility detecting processing again only on the detected incompatible part under the condition that the result of the incompatibility detection processing has been stored; and

the incompatible part detection unit performs the incompatibility detection processing again on the entire image data under the condition that no result of the incompatibility detection processing is stored (detecting the image in RGB format in fig. 5 & note that the RGB image is incompatible with the printer according to paragraph 61).

**With respect to claim 5**, Nishide discloses the image processing apparatus according to claim 1, further comprising:

a detection display unit that displays a detection of the incompatible part when the incompatible part is detected (fig. 7).

**With respect to claim 6**, Nishide discloses the image processing apparatus according to claim 5, wherein

the image processing unit further performs a second image processing;

when an instruction to execute the second image processing on the image constituent parts on which the incompatibility detection processing has been performed is given in response to the displaying of the incompatible part, the second image processing is executed on the incompatible part; and

the incompatible part subjected to the second image processing is combined with image constituent parts other than the incompatible part subjected to the second image processing (paragraphs 63-66).

**With respect to claim 7**, the combination discloses the image processing apparatus according to claim 6, wherein the accounting unit further charges for the executed second image processing (paragraph 46 of Kimura).

**With respect to claims 8-14 and 15-21**, arguments analogous to those presented for claims 1-7, are applicable.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHAN S. PARK** whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/  
Examiner, Art Unit 2625  
/Edward L. Coles/  
Supervisory Patent Examiner, Art Unit 2625

October 15, 2008